

EXHIBIT 1

ELECTRONICALLY FILED - 2021 Dec 16 9:01 AM - ORANGEBURG - COMMON PLEAS - CASE#2021CP3801458

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG)	CASE NO. 2021-CP-38-
Lavena Scott)	
)	
Plaintiff,)	
)	
-vs-)	SUMMONS
)	
Wal-Mart Neighborhood Market)	
)	
<u>Defendant.</u>)	

TO: THE DEFENDANT ABOVE NAMED

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the Complaint upon the subscriber at 340 Summers Avenue (Post Office Box 811) Orangeburg, South Carolina 29116, within thirty (30) days after the service. If you fail to answer the Complaint within that time, the plaintiff shall apply to the Court for a judgment by default against you for the relief demanded in the Complaint.

s/Lawrence Keitt
 Lawrence Keitt, Esquire
 S.C. Bar No. 3341
 Attorney for the Plaintiff
 Law Office of Lawrence Keitt
 340 Summers Avenue
 P. O. Box 811
 Orangeburg, South Carolina 29116
 (803) 531-2379
 lkparalegal@sc.rr.com

December 16, 2021
 Orangeburg, SC

EXHIBIT 1

ELECTRONICALLY FILED - 2021 Dec 16 9:01 AM - ORANGEBURG - COMMON PLEAS - CASE#2021CP3801458

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG)	CASE NO. 2021-CP-38-
Lavena Scott,)	
)	
Plaintiff,)	
)	
-vs-)	COMPLAINT
)	
Wal-Mart Neighborhood Market)	
)	
Defendant.)	

The Plaintiff above named complaining of the Defendant above named would allege and show as follows:

1. The Plaintiff is a citizen and resident of the County of Orangeburg, State of South Carolina and was such at all times complained of herein.
2. The Plaintiff is informed and believes the Defendant is a corporation and is organized and exists pursuant to the laws of one of the States within the United States with its principal place of business in a State other than South Carolina. However, the Defendant conducts business in many counties in South Carolina including Orangeburg County.
3. All matters complained of herein occurred at the Wal-Mart Neighborhood Market located within the City of Orangeburg, County of Orangeburg, State of South Carolina.
4. Thus, the Plaintiff is informed and believes that this Court has in personam jurisdiction of the parties and subject matter herein and venue is proper.
5. On or about December 17, 2020 the Plaintiff was a customer in the Defendant's business, when she completed her shopping she went to one of the self check registers and scanned all of the items she had purchased.

6. The Plaintiff then paid for her purchase and as she was preparing to leave the store she heard employees of the store calling a "Code Red."

7. Following this call store employees approached the Plaintiff and stopped the Plaintiff from leaving the store telling her that there was something wrong with the check out machine she had used and that they had to rescan her purchase.

8. When the Plaintiff complained to the store employees that they could check her receipt, she was told by a store employee in a loud manner that they had observed her not scanning all of the items in her shopping cart.

9. The employees then took her shopping cart and rescanned all of the items she had purchased. All of this occurring in full view of the other customers in the store, some of whom started recording the incident.

10. Following the rescan of the Plaintiff's purchases by the store employees and upon finding nothing which the Plaintiff had failed to scan or pay for, the Plaintiff demanded a public apology from the store employees, they refused to offer an apology but instead told her to watch her tone in speaking with them in a threatening manner. The Plaintiff was finally allowed by the store employees to leave the store with the items she had purchased.

FOR A FIRST CAUSE OF ACTION

(Negligence/Gross Negligence)

11. The Plaintiff reiterates the matters alleged in paragraphs 1 through 10 as fully as if repeated.

12. The Defendant owed certain duties of due care to the Plaintiff, including but not limited to a duty of due care to the Plaintiff, a business invitee, to ensure that she would be able to patronize the Wal-Mart Neighborhood Store and not be falsely imprisoned, slandered,

defamed, assaulted, frightened or otherwise harmed or damaged by the Defendant's employees, servants and agents. These duties were heightened due to the fact that the Plaintiff was a business invitee.

13. Defendant agents and/or employees breached this duty to Plaintiff through negligent, grossly negligent and wanton conduct in various particulars including, but not limited to some or all of the following.

- A. In failing to properly and adequately train personnel;
- B. In failing to exercise the degree of care that is required when verifying evidence of a potential shoplifter.
- C. In acting with a reckless disregard for the rights of the Plaintiff;
- D. In failing to properly supervise personnel;
- E. In such acts of negligence/gross negligence as may be revealed through discovery.

14. As a direct and proximate result of the acts of the Defendants agents and/or employees alleged herein Plaintiff has endured substantial damages, including but not limited to severe and excruciating mental and emotional suffering, false imprisonment, assault, violation of civil rights and defamation. The Plaintiff is now afraid to go casual shopping, and becomes frightful as store employees approach her or speak to her; further the Plaintiff continues to suffer from depression, as well as other emotional damages, all as a direct and proximate result of her experience as set forth above.

FOR A SECOND CAUSE OF ACTION

(False Imprisonment)

EXHIBIT 1

ELECTRONICALLY FILED - 2021 Dec 16 9:01 AM - ORANGEBURG - COMMON PLEAS - CASE#2021CP3801458

15. The Plaintiff would reiterate the allegations contained in paragraphs 1 through 14 as fully as if repeated herein.

16. The acts of the Defendant by and through its agents and/or employees, as set further above, instigated and set in motion the unlawful detention and/or restraint of the Plaintiff.

17. As a direct and proximate result of the actions of Wal-Mart, by and through its agents and/or employees, as set forth above, the Plaintiff has endured substantial damages, including but not limited to severe and excruciating mental and emotional suffering, discomfort, false imprisonment, assault, violation of her civil rights, defamation, slander, fright, anguish, shock, nervousness, anxiety, embarrassment and humiliation. The Plaintiff is now afraid to go casual shopping and becomes fearful at the sight of store personnel approaching her and continues to suffer depression as well as other emotional problems, all as a direct and proximate result of her experience as set forth above.

18. The injuries and damages suffered by the Plaintiff, as set forth above, were directly and proximately caused by the willful, wanton, and malicious acts of Wal-Mart's agents and/or employees. As a result, the Plaintiff is entitled to actual, special and punitive damages from the Defendant in an amount to be determined by a jury.

Wherefore, the Plaintiff prays for an award from the Court from Wal-Mart as to each cause of Action in an amount sufficient to compensate the Plaintiff for her injuries, losses, damages, past, present and future actual damages and special damages as well as punitive damages in an amount sufficient to impress upon the Defendant the seriousness of each of its conduct and to deter similar conduct in the future, together with the cost of this action and such other and further relief as the Court deems just and proper.

***** SIGNATURE PAGE TO FOLLOW *****

EXHIBIT 1

ELECTRONICALLY FILED - 2021 Dec 16 9:01 AM - ORANGEBURG - COMMON PLEAS - CASE#2021CP3801458

s/Lawrence Keitt
Lawrence Keitt, Esquire
S.C. Bar No. 3341
Attorney for the Plaintiff
Law Office of Lawrence Keitt
340 Summers Avenue
P. O. Box 811
Orangeburg, South Carolina 29116
(803) 531-2379
lkparalegal@sc.rr.com

December 16, 2021
Orangeburg, SC